

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

BRIAIN ROBERT HOLMES,)	
)	
Plaintiff)	
)	
v.)	1:11-cv-00275-DBH
)	
JAMES FOSS,)	
)	
Defendant)	

RECOMMENDED DECISION

On July 14, 2011, plaintiff filed a complaint against James Foss together with a motion to proceed *in forma pauperis*. On July 18, 2011, I granted the motion to proceed *in forma pauperis* and gave him until August 8, 2011, to provide the court with his intent to proceed. On August 4, 2011, the copy of that order sent to plaintiff at the address provided by him, i.e., Somerset County Jail, 131 East Madison Road, Madison, Maine, was returned as undeliverable. On August 9, 2011, I issued an Order to Show Cause why a recommendation that this matter be dismissed for lack of prosecution should not issue and gave plaintiff until August 23, 2011, to respond. A forwarding address of 41 Beartrap Road, Easton, Maine was provided by the Somerset County Jail. A copy of the Order to Show Cause and the original order granting plaintiff *in forma pauperis* status was then mailed to the Easton, Maine address. That mailing has not been returned as undeliverable. To date, the court has received no communication from plaintiff.

Therefore, I recommend the Complaint be DISMISSED in its entirety for Plaintiff's failure to prosecute the action.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1993) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (14) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

August 26, 2011

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge